

Authority: Footprints for Learning Society

School: FOOTPRINTS FOR LEARNING CHARTER ACADEMY

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HOLISTIC AUTHENTIC PURPOSE DRIVEN ENTREPRENEURIAL GLOBAL

WHISTLE BLOWING POLICY- MAKING A DISCLOSURE IN THE PUBLIC INTEREST

Whistle Blowing Policy - Making a Disclosure in the Public Interest

Introduction

Footprints for Learning Charter Academy here after referred to as FLCA is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the school to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organization then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

Current legislation grants legal protection for all employees against being dismissed or penalized by their employers as a result of publicly disclosing certain serious concerns. The school has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasized that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the school nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the school.

Scope of Policy

This policy is designed to enable employees of the school to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- Financial malpractice or impropriety or fraud.
- Failure to comply with a legal obligation or Statutes.
- Dangers to Health & Safety or the environment.
- Criminal activity.
- Improper conduct or unethical behaviour.
- Attempts to conceal any of these.

Safeguards

1) Protection

This policy is designed to offer protection to those employees of the school who disclose such concerns provided the disclosure is made:

- in good faith; and
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegation, this could give rise to legal action on the part of the persons about whom the complaint is made.

2) Confidentiality

The school will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

3) Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the school.

In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

4) Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

5) Procedures for Making a Disclosure

Complaints of malpractice must be given to the applicable officer or staff member in writing. Such documentation should include but not be limited to the date, the name of the complainant, their position/relationship to the school and as many specific details as to what the complaint of malpractice entails. It is encouraged that complainants are very specific, include dates if available, names if available/applicable and as much information as possible.

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the principal unless the complaint is against the principal or is in any way related to the actions of the principal. In such cases, the complaint should be passed to the Board of Directors for referral.
- In the case of a complaint, which is any way connected with the principal, the Chairperson of the Board will nominate a Board Member to act as the alternative investigating officer.
- Complaints against the any member of the Board should be passed to an alternate member of the board who will nominate an appropriate investigating officer.

- The complainant has the right to bypass the line management structure and take their complaint direct to the Chairperson of the Board. The Chairperson has the right to refer the complaint back to the principal if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach either of the Vice Principals or an alternate Board member. All have been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them.

If there is evidence of criminal activity, then the investigating officer should inform the police. The school will ensure that any internal investigation does not hinder a formal police investigation.

6) Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and/or the police, it is not possible to lay down precise timescales for such investigations. However, the following timeline will serve as the maximum:

1. From the receipt of the disclose, the applicable officer or administrative staff who received has 5 days to formally (in writing) acknowledged the receipt.
2. Within 10 days or less a decision will be made as to whether and investigation shall be made based on the situation.
3. The applicable investigating officer(s) has a maximum of 110 days to investigate with an optional 30-day extension. The investigation will be formally reported to applicable parties (subject to FOIP legislation) and the full report will be kept in the school's file.

The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations. All responses to the complainant should be in writing.

7) Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.

- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by another representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the school auditors and the Police at this stage and should consult with the Chairperson.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals/bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chairperson as appropriate.
- The Chairperson along with the Board will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate school procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the school Auditors/Alberta Education to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chairperson, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the school recognizes the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, Alberta Education, or the Alberta Labour Union), or, where justified, elsewhere.

8) Office of Public Interest

If a complainant feels that they have suffered a reprisal counter to the purposes of this policy, they should contact the Office of Public Interest;

Office of the Public Interest Commissioner
801- 6 Avenue SW Suite 2560
Calgary, AB T2P 3W2
403-592-3106

Toll-free: 1-855-641-8659

www.yourvoiceprotected.ca